
Media query re: Special Closures at the IPID

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Wed, Nov 13, 2019 at 2:06 PM

To: vsenna@ipid.gov.za, Matthews Sesoko <MSesoko@ipid.gov.za>, Sontaga Seisa <sseisa@ipid.gov.za>

Cc: mmolope@ipid.gov.za

Dear Sirs,

I note that IPID has not addressed my previous queries. Be that as it may, it is incumbent upon me to put questions to IPID and to allow the directorate right of reply. Herewith a series of questions related to my current exploration of the “special closure” of cases at the IPID during the 2015/16 and 2016/17 reporting periods. If IPID would like to respond to these queries, I would ask that the directorate endeavours to do so by close of business on Friday 15 November 2019. If an extension is required, please let me know.

There seems to be some confusion, even among IPID officials, as to the definition and exact impact of ‘special closures’ on IPID’s performance specifically during 2015/16. The allegation that the provision was “abused” to inflate performance statistics is contained in whistleblower reports received by Mr McBride, and was reiterated by Mr McBride at the Zondo Commission. Furthermore, there appears to be no definition for “special closure” in IPID’s SOPs or Regulations, please can you confirm such?

- Please can IPID management give its interpretation of what “special closure” is: what is the definition of “special closure”? If not from the SOPs or regulations, where does this definition originate from?
- On the case management system, what is the difference between the status “closed” as “general result” (i.e. unsubstantiated, referred etc.) and “special closure” as “general result” (i.e. unsubstantiated, referred etc.). In IPID management’s opinion what, to someone who may be intent on manipulating statistics, would have been the specific incentive for using “special closure” rather than normal “closure” under “general result”.
- If “special closure” was indeed abused to close cases without proper investigation, would this (in theory) have resulted in the inflation of

performance statistics? Presuming the answer is yes, how would this inflation have occurred? Is it a case of 'special closure' cases automatically becoming "decision ready" (as has been claimed by some IPID officials, but which is not supported by Decision Ready data) or is it a case of lightening the workload, so that the ratio of workload : DR improves and results in higher DR percentage (as has been variously claimed by IPID officials as well)? Any insight on your reading and interpretation here would be appreciated.

- What measures has IPID taken, specifically, to prevent the alleged abuse of "special closure" from occurring into the future.

One cannot help but notice that "special closures" are nearly universally cases that were closed with "general results" (i.e. unsubstantiated, unfounded, referred, etc etc.).

- Is IPID at all concerned that cases closed as "general result" (with status 'closed') at provincial offices may have been manipulated in the same way that cases that were closed as "special closure" were? If so, what has been the remedy or engagement with such concern? If not, can IPID explain why such concern would be unwarranted?

Is it possible for a case that attained the status of "decision ready" one month, to then be closed as a "general result" (as "unsubstantiated" for instance) at a later date? Such a scenario appears to be in conflict with SOPs definition for DR and the progression of DR case, and yet it often occurs. Please can IPID help me understand this apparent anomaly.

At IPID's presentation to Parliament acting ED told MPs that IPID would publish its own report (on 18 October 2019) of the integrity strengthening unit investigation into allegations of statistical manipulation via premature case completion / closure at during the 18 months of McBride's suspension. A date to present this report to Parliament was provisionally set for 23 October. Committee secretary later said that it would be set for 6 November. PMG [daily schedule](#) for committee meetings set the date as Wednesday 13 November: '*Briefing by IPID on progress report on the Internal Docket Investigation conducted on case closed under "special closure"*'. That agenda item has since fallen off future dated meetings for the committee.

- Why has IPID not presented its report to Parliament yet?

- Has IPID finished its report? Has IPID sent it to MPs? Is IPID ready to present it to MPs?
- What methodology did the ISU investigation employ? What did the report find (as detailed findings as possible please)? Will the report be made public? When?
- Did the investigation only look at “special closure” cases? What of allegations that the acting ED at the time gave an order that cases be pushed to “Decision Ready” status?

Rape case [REDACTED] (KZN) was one case closed as “special closure”. It was closed as “Indeterminate” by Smanga Nkwanyana on 14 August 2015.

- What were the reasons contained in the case file for the case being closed as indeterminate?
- Did the ISU analyse this case file as part of its internal investigation? If so, what were the findings? Was this one of the cases that were closed as “special closure” without proper investigation?
- In IPID’s closure register, Smanga Nkwanyana is recorded as both the “case worker” and “username” who approved the closure of the case. This appears to be in contravention of SOPs 6.10.9. What is IPID’s response to this interpretation? Is it correct?

Best

Daneel